

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALEXANDER LANZ,
ALYSSA GREENE,
SHANAYA DESSIN, and
VINCENT LEIJA, individually and on
behalf of a class of similarly situated
individuals,

Plaintiffs,

Case No. 1:23-cv-05344-LMM

V.

LHNH LA VISTA, LLC, *

LHNH LA VISTA TIC II LLC, *

LHNH LA VISTA TIC III LLC, *

SILVERPOINT MANAGEMENT, LLC, *

and AVENIUM GROUP, LLC, *

Defendants.

DEFENDANTS' NOTICE OF NON-PARTY FAULT

COME NOW LHNH LAVISTA LLC, LHNH LA VISTA TIC II LLC,
LHNH LA VISTA TIC III LLC, SILVERPOINT MANAGEMENT, LLC, and
AVENIUM GROUP, LLC, Defendants in the above-styled civil action, and,
pursuant to O.C.G.A. § 51-12-33(d), hereby provide notice that CHARNELLE

GUNN (“Gunn”) and ROBERT STOKES (“Stokes”) are wholly or partially at fault for the fire at issue in this lawsuit. Defendants have no last known address for Gunn or Stokes. The basis for Gunn and Stokes’s fault is as follows:

1.

This case involves a fire that occurred on November 10, 2023 on property that Defendants allegedly owned or managed. [Doc. 40, Amended Class Action Complaint].

2.

It is undisputed that Gunn and Stokes started the fire by “discharge[ing] fireworks.” [Doc. 40, Amended Class Action Complaint, ¶ 52].

3.

Despite Gunn and Stokes starting the fire, Plaintiffs have not named them as defendants and have instead brought claims of negligence and nuisance against Defendants. [Doc. 40, Amended Class Action Complaint, ¶ 106-113].

4.

Based upon the foregoing, and any additional information learned during the course of discovery, Defendants hereby provide notice that they intend to argue at trial that Gunn and Stokes were wholly or partially at fault for the fire at issue and, thus, that Defendants are not liable for any of Plaintiffs’ alleged damages or that

Plaintiffs' alleged damages should be reduced in proportion to the percentage of fault apportioned to Gunn and Stokes by the jury.

Respectfully submitted this 2nd day of December, 2024.

JONES CORK, LLP

/s/ R. Matt Shoemaker

R. Matt Shoemaker

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Attorney for Defendants

7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that this document was prepared in Times New Roman font, 14 point, and complies with Local Rules 5.1(C) and 7.1(D), ND Ga.

This 2nd day of December, 2024.

JONES CORK, LLP

/s/ R. Matt Shoemaker

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record and parties in interest.

This 2nd day of December, 2024.

JONES CORK, LLP

/s/ R. Matt Shoemaker

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